



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/816,613

04/02/2004

Stephen Marc Meer

34000/004

9797

40997

7590

07/25/2006

MICHELE ZARINELLI  
c/o WEST CORPORATION  
11808 MIRACLE HILLS DRIVE  
MSW11 - LEGAL  
OMAHA, NE 68154

EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/816,613

Applicant(s)

MEER ET AL.

Examiner

Stella L. Woo

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26, 33-46, 48-54, 56, 57 and 60-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26, 33-46, 48-54, 56-57, 60-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/6/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 21, 36-38, 58, 73, 74 are rejected under 35 U.S.C. 102(e) as being anticipated by Gentillin et al. (US PAT. NO. 6,600,812 filed May 2, 2000 hereinafter "Gentillin") for the same reasons given in the last Office action and repeated below.

Gentillin discloses a method and a communication network for providing emergency services comprising an emergency services network (e.g. see Fig. 4, the network shown from 100-300 excluding the PSAP 110), the emergency services network comprising a plurality of emergency services (e.g. 3rd party data 300a, 300b; notification 400, on-scene access 310) and a plurality of response gateways (e.g. 200, 100), a plurality of conforming emergency systems (e.g. PSAP 110) connected to a packet network 440 for establishing a media channel with the response gateway to transmit a retrieval key (identifier) to the response gateways, the response gateway using the retrieval key to retrieval

Art Unit: 2614

additional information and transmit the additional information to the PSAP

(e.g. see steps in Fig. 1). See all figures, col. 3, line 20 to col. 7 line 67.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-20, 22, 39-57, 59 rejected under 35 U.S.C. 103(a) as being unpatentable over Gentillin for the same reasons given in the last Office action and repeated below.

As to claims 2-20, 39-57, since Gentillin discloses using a packet network to establish the media channel, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use SIP and channel set up in the manner as claimed since such are well known protocols for establishing a communication channel in a packet network.

As to claims 22, 59, to modify Gentillin to comprise the various CES as claimed would have been obvious to one of ordinary skill in the art at the time the invention was made since they all provide emergency response services.

4. Claims 23-35, 60-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentillin in view of McCalmont et al. (US PAT. NO.

6,771,742 hereinafter “McCalmont”) for the same reasons given in the last Office action and repeated below.

Gentillin does not explicitly disclose a SNR system as claimed. However, it is old and well known for emergency systems to comprise an SNR system, for example see McCalmont. The emergency services complex 216 in McCalmont is an SNR system that receives the retrieval key (e.g. col. 15, lines 56-58), identifies at least one of the emergency services and initiates the transfer of the retrieval key (the identifying information ESQK, e.g. col. 13, lines 31-37, is transferred to the call center database 264 to obtain information such as location, medical history, vehicle location, etc.; also col. 12, lines 51-60; col. 13 lines 4-13; col. 14. lines 41-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gentillin to comprise a SNR system in order to accurately route the retrieval key to the proper destination to retrieve the corresponding information and provide this information to the CES.

### ***Response to Arguments***

5. Applicant's arguments filed April 24, 2006 have been fully considered but they are not persuasive.

Applicant argues that the “CES equivalents in Gentillin (PSAP Operator Terminals 110) are not connected to a packet network.” However, Gentillin clearly teaches the PSAP terminal 110 communicating over a channel 440 with the server client 100a using an HTTP-type protocol (col. 6, lines 50-61).

Regarding the response gateways, system 100 forwards event data (col. 4, lines 66-67) which can be considered as transmitting queries for information.

Applicant argues that there is “no teaching or suggestion of a channel setup system in Gentillin, because...there is no channel needed in the hard-wired system of Gentillin.” However, Gentillin suggests that the channels can be wireless channels as well as wired connections (col. 8, lines 13-15) such that it would have been obvious to an artisan of ordinary skill to use a conventional wireless packet protocol such as SIP using the conventional channel setup protocol in a wireless embodiment of Gentillin.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo  
Primary Examiner  
Art Unit 2614